

Agricultural Marketing Service, USDA

§ 1004.7

Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, Tuckerton.

(e) In the State of Pennsylvania, the counties of:

Adams, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Montgomery, Perry, Philadelphia, York.

(f) In the State of Virginia:

(1) The counties of:

Arlington, Fairfax, Loudoun, Prince William.

(2) The cities of:

Alexandria, Falls Church, Fairfax.

§ 1004.3 Route disposition.

Route disposition means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery through a distribution depot, by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.4 Plant.

Except as specifically provided in § 1004.7(d)(2), *plant* means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

[50 FR 16453, Apr. 26, 1985]

§§ 1004.5–1004.6 [Reserved]

§ 1004.7 Pool plant.

Except as provided in paragraph (f) of this section, *pool plant* means a plant (except a producer-handler plant or the plant of a handler pursuant to § 1004.9(e)) specified in paragraphs (a) through (e) of this section.

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August,

of its receipts described in paragraph (a)(1) or (2) of this section is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

(1) Milk received at such plant directly from dairy farmers (excluding milk diverted as producer milk pursuant to § 1004.12, by either the plant operator or by a cooperative association, and also excluding the milk of dairy farmers for other markets) and from a cooperative in its capacity as a handler pursuant to § 1004.9(c); or

(2) In the case of a plant with no receipts described in paragraph (a)(1) of this section, receipts of fluid milk products (other than filled milk) from other plants.

(3) A plant which meets the “pool plant” requirements of this paragraph during any month shall retain its pool status during the immediately succeeding two months as long as the plant continues to meet the 15-percent in-area Class I disposition requirement, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month during which it does not otherwise qualify pursuant to this paragraph.

(4) A plant’s status as an other order plant pursuant to paragraph (f) of this section will become effective beginning the third consecutive month in which a plant is subject to the classification and pricing provisions of another order.

(b) Any plant not meeting the conditions of paragraph (a) of this section from which during the month a quantity of fluid milk products (other than filled milk) not less than the applicable percentage (as specified in paragraph (b)(1) of this section) of such plant’s receipts of milk from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12 by either the plant operator or by a cooperative association) and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) is moved to a plant(s) meeting the percentage disposition requirements specified in paragraph (a)